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Intergovernmental working group of experts
on human rights of migrants
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INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Reply from the Government of the Republic of Cuba, dated 2 February 1998

GE.98-10476 (E)

Geneva, 2 February 1998

Dear Mrs. Robinson,

I have the honour to send you herewith a copy of the reply from our Minister for Foreign Affairs to note No. G/SO 212/26(1) from the Secretary-General of the United Nations, concerning resolution 1997/15 of the Commission on Human Rights entitled "Migrants and human rights".

Accept, Madam, the renewed assurances of my highest consideration.

(Signed) Carlos AMAT
Ambassador
Permanent Representative

Havana, 22 January 1998

Madam,

I have the honour to refer to note No. G/SO 212/26(1) from the United Nations Secretary-General concerning Commission on Human Rights resolution 1997/15 entitled "Migrants and human rights", and requesting our Government to provide statistical and other information on the situation of migrants and on the measures adopted to promote, protect and allow them to enjoy human rights.

The Government of the Republic of Cuba shares the concern about violations of the human rights of migrants, which are inextricably linked to the resurgence, particularly in the developed world, of new forms of racism, xenophobia and other related forms of intolerance. This problem is all the more important as migration is one of the most universal and growing phenomena in the world today.

The arduous economic circumstances of the developing countries and the enormous rise in their poverty levels, which are aggravated by the destructive impact of neoliberalism, globalization and structural adjustment programmes, are among the root causes of migration, as the number of individuals moving elsewhere, fundamentally to the developed countries, in search of better living conditions grows each day.

In these circumstances, there is an ineluctable need to seek effective and durable solutions to the problem of migrants, based, not on restrictive, repressive police measures, but on policies that safeguard their human rights and foster equal opportunity.

I enclose the replies to the questionnaire prepared by the intergovernmental working group of experts on human rights of migrants which was annexed to the aforementioned note.

Accept, Madam, the renewed assurances of my highest consideration.

(Signed) Roberto ROBAINA GONZÁLEZ

REPLIES TO THE QUESTIONNAIRE ON THE HUMAN RIGHTS OF MIGRANTS

Question 1

There was significant migration to Cuba during the first half of this century, mainly from Spain, China, Jamaica, Haiti and other neighbouring countries, and to a lesser extent by Arabs and persons of other nationalities, all of whom became fully integrated into Cuban society. The few small communities or families who have preserved their original identity do not even constitute 1 per cent of the population, although they enjoy the same rights as the majority.

This migratory flow gradually dwindled and has nowadays virtually disappeared. Nevertheless, while Cuba is no longer a destination for migrants, small groups of migrants have attempted to use Cuban territory as a stepping stone to Northern countries where they intend to settle permanently.

Migratory flows abroad, however, have continued throughout this century, either temporarily or permanently, essentially spurred by economic motives, and more recently also by the desire for family reunification.

Since 1990, Cuba has faced arduous and complex economic circumstances on account of the extension of the United States blockade through the Torricelli and Helms-Burton Acts, adopted by the United States in 1992 and 1996 respectively, the disappearance of the European socialist bloc and the break-up of the Soviet Union.

In conjunction with the strong desire for family reunification and the Washington Government's policy of encouraging Cuban emigration, these circumstances have given a strong impetus to the migration of Cubans to other countries, and primarily to the United States. It was against this background that the agreements on migration were signed with the United States in 1994, in order to secure lawful, safe and orderly migration.

Cuba's total resident population is 11,038,600, while according to the most recent estimates a total of 1,469,000 Cubans live abroad in some 100 countries; the largest Cuban communities abroad are in the United States, 1,200,000; Venezuela, 50,000; Spain, 34,992; Mexico, 30,000; Argentina, 8,000; Colombia, 5,000; Germany, 4,045; Costa Rica, 3,000; Canada, 2,900; Panama, 2,476; Italy, 1,988; France, 1,930; and Nicaragua, 1,500.

Questions 2 and 3

As from 1 January 1959 the principle of equality began to be implemented in all spheres of Cuban life. Cuba's policy of combating all forms of discrimination and of promoting equality is reflected in its Constitution, being set forth in chapters I ("Political, social and economic foundations of the State"), IV, ("Equality") and VII ("Fundamental rights, duties and safeguards") of this instrument, which was adopted by a national referendum in 1976.

The 1992 constitutional reform introduced a new chapter reaffirming the protection of Cuba's foreign residents against all forms of discrimination: article 34 stipulates that foreigners residing in Cuban territory are to be treated equally with Cubans as regards the protection of their person and property, the enjoyment of their rights and the performance of the duties recognized by the Constitution.

Article 42 of the Constitution proscribes and makes punishable by law any form of discrimination on grounds of race, skin colour, sex, national origin, religious belief or any other act prejudicial to human dignity.

Cuban legislation also condemns and punishes all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form.

The Constitution, laws and policies to foster equal opportunity which have been implemented since 1959 have guaranteed the elimination of institutionalized racism and of the legal impediments to enjoyment of equal rights, together with the reduction of racial prejudice, and have established social conditions that reduce the likelihood that racial prejudice will give rise to discriminatory behaviour in society. In contemporary Cuban society, racial prejudice is virtually non-existent, and manifests itself only in the most private sphere, particularly where engagement and marriage are concerned, rather than in society at large.

The Cuban educational system has been the faithful communicator and zealous guardian of the relevant laws and tenets of the State, and has instilled into the population, from an early age, the concept of human equality.

One example of this is provided by the scholarships awarded to thousands of children and young people from some 85 countries in Asia, Africa and Latin America. About 5,000 of them are still in Cuba, where they share the dormitories, classrooms and extra-curricular activities of their Cuban classmates.

Cuba's population has kept abreast of the most significant developments in the struggle against all forms of discrimination. The Cuban press constantly examines and criticizes legislation detrimental to the rights of migrants and the racist violence occurring in some countries.

Cuba is an active participant in international forums such as the Commission on Human Rights, the Economic and Social Council and the United Nations General Assembly, where it has expressed its condemnation of racism, xenophobia, racial discrimination and the new forms it takes, such as intolerance of immigrants in a number of countries, and criticized the use of the mass media and computers as vehicles for racist propaganda and the scant achievements of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.

Cuba has also been one of the main proponents of the convening of a world conference against racism, racial and ethnic discrimination, xenophobia and other related forms of intolerance.

Question 4

In April 1952 Cuba signed International Labour Organization Convention No. 97 concerning Migration for Employment and is duly implementing it.

Cuba has not yet ratified the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, but the matter is being studied by the treaty coordination section of the Ministry of Foreign Affairs.

It has not yet ratified Convention No. 143.